

Remarks

1. Summary of the Office Action

In the office action mailed June 14, 2007, the Examiner rejected claims 1, 4-5, 11-17, and 24-26 under 35 U.S.C. § 102(b) on grounds of anticipation over U.S. Patent Application Pub. No. 2002/0065074 (Cohn). Further, the Examiner rejected claims 2-3 and 22-23 under 35 U.S.C. § 103(a) on grounds of obviousness over Cohn in view of U.S. Patent No. 7,071,942 (Zaima), the Examiner rejected claims 6-7 and 18 under 35 U.S.C. § 103(a) on grounds of obviousness over Cohn in view of Applicant's background section, the Examiner rejected claims 8-10 and 27 under 35 U.S.C. § 103(a) on grounds of obviousness over Cohn in view of U.S. Patent No. 6,894,994 (Grob), the Examiner rejected claims 19-21 under 35 U.S.C. § 103(a) on grounds of obviousness over Cohn in view of Applicant's background section and Grob.

2. Status of the Claims

By this response, Applicant has amended various claims to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Further, Applicant has cancelled claim 26.

Now pending are claims 1-25 and 27, of which claims 1, 17, and 27 are independent and the remainder are dependent.

3. Response to Rejections

As noted above, the Examiner relied primarily on the Cohn reference in rejecting the claims. However, Cohn is at best related to downloading a file to a mobile device, rather than streaming a file to a mobile device. As such, Cohn teaches having a mobile device retain a record of where a file download was interrupted, so as to facilitate continuing the file download from where it left off.

On its face, Cohn is no focused on a process that involves streaming media. In fact, paragraph 0026 of Cohn states that "[t]he present invention is directed to devices that store content locally and allow playback when not connected to a service provider." This is contrary to the well understood meaning of streaming media, which involves transmitting the media from a server to a client with the client playing out the media as it is streamed. Cohn is relates to downloading a file to a mobile device, for subsequent offline playout by the mobile device. Thus, Cohn is inapposite to Applicant's invention.

Moreover, considering claims 9, 10, 20, and 21 as originally filed, the Examiner admitted that Cohn did not disclose the elements of those claims. The Examiner then turned to the Grob reference and asserted summarily that portions of Grob teach the missing elements.

Applicant has reviewed the cited portions of Grob, as well as the remainder of Grob, and based on that review Applicant submits that Grob does not disclose the missing elements of claims 9, 10, 20, and 21, contrary to the Examiner's assertion. Further, the Examiner has not pointed to any objective evidence that teaches those missing elements or that logically leads to the addition of those elements to the teachings of Cohn. Thus, Applicant submits that the Examiner did not make out a *prima facie* case of obviousness of at least claims 9, 10, 20, and 21 and that at least those claims were therefore allowable as filed.

Applicant has now amended independent claims 1 and 17 (from which claims 9-10 and 20-21 depended respectively) to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, related to allowable subject matter of claims 9-10 and 20-21, the amendments of claims 1 and 17 are in line with the idea that a BSC or PDSN in the streaming communication path to the mobile device detects loss of wireless connection and responsively notifies, or causes to be notified, the streaming media server. That way, a record of where the streaming media session was interrupted can be made and can be

subsequently used to resume streaming from that point upon restoration of wireless connectivity. Applicant submits that this innovative arrangement is not taught by Cohn or Grob and does not logically follow from the teachings of those references. Therefore, Applicant submits that the claims as amended are allowable, as are the claims depending from those claims.

Furthermore, Applicant submits that claim 27 patentably distinguishes over the combination of Cohn and Grob for largely the same reason. In particular, Grob fails to teach the subject matter that the Examiner summarily asserted it teaches, and Grob therefore fails to make up for the deficiency of Cohn. Additionally, the Examiner has not pointed to any objective evidence that would logically suggest modifying the teachings of Cohn or Grob to achieve Applicant's claimed invention.

For these reasons, and without conceding any assertions by the Examiner not addressed here, Applicant submits that all of the pending claims are allowable. Therefore, Applicant respectfully requests favorable reconsideration and allowance.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

**McDONNELL BOEHNEN
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Dated: September 12, 2007

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Lawrence H. Aaronson
Reg. No. 35,818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 2382)

In re Application of:)
Balaji S. Thenthiruperai)
Serial No.: 10/691,273) Examiner Frantz B. Jean
Filed: October 22, 2003) Group Art Unit 2151
Confirmation No. 4931)
For: Method and System for Managing)
Abnormal Disconnects During a)
Streaming Media Session)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DEPOSIT ACCOUNT AUTHORIZATION

Applicant believes that no fee is required at this time. However, please charge any underpayment or credit any overpayment to Deposit Account No. 210765.

Date: September 12, 2007

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